

1 MICHELE BECKWITH
2 Acting United States Attorney
3 JAMES R. CONOLLY
4 Assistant United States Attorney
5 501 I Street, Suite 10-100
6 Sacramento, CA 95814
7 Telephone: (916) 554-2700
8 Facsimile: (916) 554-2900
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10 Attorneys for Plaintiff
11 United States of America
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16 IN THE UNITED STATES DISTRICT COURT
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18 EASTERN DISTRICT OF CALIFORNIA

19 UNITED STATES OF AMERICA,

20 Plaintiff,

21 v.

22 MARIO GONZALEZ,

23 Defendant.

24 CASE NO. 2:20-CR-00013 WBS

25 STIPULATION AND ORDER TO CONTINUE
JUDGMENT AND SENTENCING HEARING AND
MODIFY PRESENTENCE SCHEDULE

DATE: June 2, 2025

TIME: 10:00 a.m.

COURT: Hon. William B. Shubb

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17 STIPULATION

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
19 through defendant's counsel of record, hereby stipulate as follows:

20 1. By previous order, this matter was set for judgment and sentencing on June 2, 2025.

21 Additionally, defendant filed a motion to dismiss pursuant to *United States v. Duarte*, 101 F.4th 657 (9th
22 Cir. 2024), noting the motion for hearing on June 24, 2024 (the same date and time that was previously
23 set for judgment and sentencing). ECF No. 145. The United States moved initially to hold the motion
24 to dismiss in abeyance for a period of 60 days or until the Ninth Circuit reaches a decision on the
25 government's petition for rehearing en banc in *Duarte*, whichever is sooner. ECF No. 147. Defense
counsel later moved to hold the motion in abeyance pending the outcome of the en banc proceedings, to
June 2, 2025, to which the government agreed, with the request that sentencing go forward on that day
regardless of whether the Ninth Circuit had rendered its decision. Since that time, the Ninth Circuit
delivered its en banc opinion in *Duarte*, affirming the constitutionality of 18 U.S.C. § 922(g)(1), as

1 applied to individuals previously convicted of a non-violent felony.

2 2. In the interim, primary counsel for the government, AUSA Emily Sauvageau has left the
3 U.S. Attorney's Office and AUSA James Conolly has now assume the primary role. Counsel for the
4 government requires a short time to finalize the sentencing briefing to the Court and defense counsel
5 does not object to a continuance to accomplish that.

6 3. Thus, by this stipulation, the parties now move to continue the motion hearing and
7 judgment and sentencing date until June 30, 2025. The parties have conferred with the courtroom
8 deputy and understand that this date is available to the Court for a hearing.

9 4. It is therefore requested that the motion hearing and judgment and sentencing date
10 currently scheduled for June 2, 2025, be continued to **June 30, 2025, at 10:00 a.m.**, before this Court.

11 IT IS SO STIPULATED.

12 Dated: May 28, 2025

MICHELE BECKWITH
Acting United States Attorney

14 /s/ JAMES R. CONOLLY
15 JAMES R. CONOLLY
16 Assistant United States Attorney

17 Dated: May 28, 2025

18 /s/ TAMARA SOLOMAN
19 TAMARA SOLOMAN
20 Counsel for Defendant
21 MARIO GONZALEZ

22 ORDER

23 IT IS SO FOUND AND ORDERED.

24 Dated: May 29, 2025

25 
26 WILLIAM B. SHUBB
27 UNITED STATES DISTRICT JUDGE